IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1606 OF 2007

In

SUIT NO.4510 OF 1995

Messrs Parvati (Parvathy) Associates : Plaintiff

V/s.

Mrs.Narmada widow of Narbheram Contractor

& Ors. : Defendants

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Mr.P.R.Gyani i/b. A.G. Ganatra for defendant nos.7 & 9 in support.

Mr. Cyrus Ardeshir i/b. M/s.RMG Law for the plaintiff to show cause.

Ms S. Surve i/b. M/s.Little & Co., for defendant no.8 to show cause.

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CORAM : S.A.BOBDE, J.

DATE : DECEMBER 05, 2007.

P.C.

It appears that the earlier Advocate informed the defendants that Written Statement has been field. When the earlier Advocate returned the case papers, there was also a copy of the Written Statement and a copy of the praecipe dated 28.11.1997 addressed to the Prothonotary &

Senior Master of this Court. However, when the matter appeared before the Court on 17.4.2007 there was a note that the matter shall proceed without Written Statement. The defendants discovered that no Written Statement was filed as represented by the Advocate. In the circumstances, in the absence of any reply to controvert the averments, the Notice of Motion is allowed in terms of prayer clause (a) and (b). The Written Statement shall be filed within one week from today.

S.A. BOBDE, J.